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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,560	01/22/2002	Mou-Shiung Lin	MEGP0009USA	6103
27765	7590	03/09/2009		
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116				
EXAMINER MITCHELL, JAMES M				
ART UNIT		PAPER NUMBER		
2813				
NOTIFICATION DATE		DELIVERY MODE		
03/09/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10055560	1/22/2002	LIN ET AL.	MEGP0009USA

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## EXAMINER

JAMES M. MITCHELL

ART UNIT	PAPER
2813	20090301B

DATE MAILED:

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## Commissioner for Patents

The amendment to the claims filed on November 27, 2008 does not comply with the requirements of 37 CFR 1.121(c) because, the proper status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

In this case, applicant had already received a rejection on the merit. The newly added claims filed June 19, 2008 were independent or distinct from the invention originally claimed for the following reasons: because they have mutually exclusive characteristics. As such, the invention had already been constructively elected by original presentation for prosecution on the merits. Accordingly, the additional restriction mailed October 31, 2008 permitting applicant to change his election was improper. The elected species was the inductor and any claims not drawn to the species should recite the proper status as being withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:  
Since the reply filed on November 27, 2008 appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/James M. Mitchell/  
Examiner, Art Unit 2813